

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION: Mark Edward KANE, et al.

GROUP ART UNIT: 3661

SERIAL NUMBER: 10/721,227

MAR 02 2005

EXAMINER: Cuong H. Nguyen

FILED: November 26, 2003

FOR: METHOD AND SYSTEM FOR COMPENSATING FOR WHEEL WEAR ON A TRAIN
INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. 1.97

Assistant Commissioner for Patents
PO BOX 1450
ALEXANDRIA, VA 22313-1450

Sir:

Applicant(s) wish(es) to disclose the following information.

REFERENCES

- Applicant(s) wish(es) to make of record the documents listed on the attached Form PTO-1449. Copies of the listed documents are of record in parent Application Serial No. 10/157,874, now U.S. Patent 6,701,228.

RELATED CASES

- Attached is a list of Applicant's(s') pending applications and issued patents which may be related to the present application. Copies of the documents, where required, are attached along with Form PTO-1449.

CERTIFICATION

The undersigned certifies that

- each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign or international patent office in a counterpart foreign or international application for the first time (to the knowledge of the undersigned, having made reasonable inquiry) not more than three months prior to the filing of this statement.
- no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign or international patent office in a counterpart foreign or international application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement.

BASIS FOR CONSIDERATION

This Information Disclosure Statement is filed:

- without fee and within three months of the filing date of the application.
- without fee and within three months of the date of entry of the U.S. national stage.
- without fee and before the mailing date of a first Office Action on the merits (to the knowledge of the undersigned).
- without fee and with the appropriate certification above.
- without fee and with a new CPA application.
- without fee and with a Request for Continued Examination.
- with fee and before the mailing date of any Final Office Action, Notice of Allowance or an action that otherwise closes prosecution (to the knowledge of the undersigned).
- with fee, appropriate certification above, and before payment of the Issue Fee.

DEPOSIT ACCOUNT

- Please charge any additional fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to Deposit Account No. 50-1442.

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Respectfully submitted,

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Form PTO 1449

(Modified)

U.S. DEPARTMENT OF
COMMERCE
PATENT AND TRADEMARK
OFFICE

DOCKET NO.

3805-025-27 CIP

APPLICANT

Mark Edward KANE, et al.

SERIAL NO.

10/721,227

LIST OF REFERENCES CITED BY APPLICANT
(Use Several Sheets if Necessary)

FILING DATE

November 26, 2003

GROUP ART UNIT

3661

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	A	5,129,605	07/14/92	Burns, et al.			
	B	6,459,965	10/01/02	Polivka, et al.			
	C	6,081,769	06/27/00	Curtis			
	D	6,218,961	04/17/01	Gross, et al.			
	E	5,751,569	05/12/98	Metel, et al.			
	F	6,135,396	10/24/00	Whitfield, et al.			
	G	6,397,147	05/28/02	Whithead			
	H	6,374,184	04/16/02	Zahm, et al.			
	I	6,421,587	07/16/02	Diana, et al.			
	J	6,135,396	10/24/00	Whitfield, et al.			
	K	6,459,964	10/01/02	Vu, et al.			
	L	6,377,877	04/23/02	Doner			
	M	6,322,025	11/27/01	Colbert, et al.			
	N	6,311,109	10/30/01	Hawthorne, et al.			
	O	5,828,979	10/27/98	Polivka, et al.			
	P	4,711,418	12/08/87	Aver, Jr., et al.			
	Q	5,867,122	02/02/99	Zahm, et al.			
	R	4,459,668	07/10/84	Inoue, et al.			
	S	6,102,340	08/15/00	Peek, et al.			
	T	5,533,695	07/09/96	Heggestad, et al.			
	U	5,452,870	09/26/95	Heggestad			
	V	5,340,062	08/23/94	Heggestad			
	W	5,950,966	09/14/99	Hungate, et al.			
	X	5,398,894	03/21/95	Pascoe			

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

Form PTO, 1449 (Modified) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		DOCKET NO. 3805-025-27 CIP		SERIAL NO. 10/721,227			
LIST OF REFERENCES CITED BY APPLICANT (Use Several Sheets if Necessary)		APPLICANT Mark Edward KANE, et al.					
		FILING DATE November 26, 2003		GROUP ART UNIT 3661			
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	Y	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	Y	6,049,745	04/11/00	Douglas et al.			
	Z	4,181,943	01/01/80	Mercer, Sr. et al.			
	AA	4,561,057	12/24/85	Haley, Jr. et al.			
	AB	5,072,900	12/17/91	Malon			
	AC	5,177,685	01/05/93	Davis et al.			
	AD	5,332,180	07/26/94	Peterson et al.			
	AE	5,364,047	11/15/94	Petit et al.			
	AF	5,394,333	02/28/95	Kao			
	AG	5,620,155	04/15/97	Michalek			
	AH	5,699,986	12/23/97	Welk			
	AI	5,740,547	04/14/98	Kull et al.			
	AJ	5,978,718	11/02/99	Kull			
	AK	5,995,881	11/30/99	Kull			
	AL	5,803,411	09/08/98	Ackerman et al.			
	AM	5,944,768	08/31/99	Ito et al.			
	AN	6,179,252 B1	01/30/01	Roop et al.			
	AO	6,345,233 B1	02/05/02	Erick			
	AP	6,371,416 B1	04/16/02	Hawthorne			
	AD	6,373,403 B1	04/16/02	Korver et al.			
	AR	6,456,937 B1	09/24/02	Doner et al.			
	AS	6,487,478 B1	11/26/02	Azzaro et al.			
	AT	6,701,228	03/02/04	Kane, et al.			
EXAMINER						DATE CONSIDERED	
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		APPLICANT	
		Mark Edward KANE, et al.	
LIST OF REFERENCES CITED BY APPLICANT (Use Several Sheets if Necessary)	FILING DATE	GROUP ART UNIT	
	November 26, 2003	3661	
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)			
	AU	"Testimony of Jolene M. Molitoris, Federal Railroad Administrator, U.S. Department of Transportation before the House Committee on Transportation and Infrastructure Subcommittee on Railroads", Federal Railroad Administration, United States Department of Transportation, April 1, 1998.	
	AV	"System Architecture, ATCS Specification 100", May 1995.	
	BA	"A New World for Communications & Signaling", Progressive Railroading, May 1986.	
	BB	"Advanced Train Control Gain Momentum", Progressive Railroading, March 1986.	
	BC	"Railroads Take High Tech in Stride", Progressive Railroading, May 1985.	
	BD	Lyle, Denise, "Positive Train Control on CSXT", Railway Fuel and Operating Officers Association, Annual Proceedings, 2000.	
	BE	Lindsey, Ron A., "C B T M, Communications Based Train Management", Railway Fuel and Operating Officers Association, Annual Proceedings, 1999.	
	BF	Moody, Howard G, "Advanced Train Control Systems A System to Manage Railroad Operations", Railway Fuel and Operating Officers Association, Annual Proceedings, 1993.	
	BG	Ruegg, G.A., "Advanced Train Control Systems ATCS", Railway Fuel and Operating Officers Association, Annual Proceedings, 1986.	
	BH	Malone, Frank, "The Gaps Start to Close" Progressive Railroading, May 1987.	
	BI	"On the Threshold of ATCS", Progressive Railroading, December 1987.	
	BJ	"CP Advances in Train Control", Progressive Railroading, September 1987.	
	BK	"Communications/Signaling: Vital for dramatic railroad advances", Progressive Railroading, May 1988.	
	BL	"ATCS's System Engineer", Progressive Railroading, July 1988.	
	BN	"The Electronic Railroad Emerges", Progressive Railroading, May 1989.	
	BM	"C ³ Comes to the Railroads", Progressive Railroading, September 1989.	
	BO	"ATCS on Verge of Implementation", Progressive Railroading, December 1989.	
	BP	"ATCS Evolving on Railroads", Progressive Railroading, December 1992.	
	BQ	"High Tech Advances Keep Railroads Rolling", Progressive Railroading, May 1994.	
	BR	"FRA Promotes Technology to Avoid Train-To-Train Collisions", Progressive Railroading, August 1994.	
	BS	"ATCS Moving slowly but Steadily from Lab for Field", Progressive Railroading, December 1994.	
	BT	Judge, T., "Electronic Advances Keeping Railroads Rolling", Progressive Railroading, June 1995.	
	BU	"Electronic Advances Improve How Railroads Manage", Progressive Railroading, December 1995.	
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U.S. PATENT DOCUMENTS			
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)			
	BV	Judge, T., "BNSF/UP PTS Pilot Advances in Northwest", Progressive Railroading, May 1996.	
	BW	Foran, P., "Train Control Quandary, Is CBTC viable? Railroads, Suppliers Hope Pilot Projects Provide Clues", Progressive Railroading, June 1997.	
	BX	"PTS Would've Prevented Silver Spring Crash: NTSB", Progressive Railroading, July 1997.	
	BY	Foran, P., "A 'Positive' Answer to the Interoperability Call", Progressive Railroading, September 1997.	
	BZ	Foran, P., "How Safe is Safe Enough?", Progressive Railroading, October 1997.	
	CA	Foran, P., "A Controlling Interest In Interoperability", Progressive Railroading, April 1998.	
	CB	Derocher, Robert J., "Transit Projects Setting Pace for Train Control", Progressive Railroading, June 1998.	
	CC	Kube, K., "Variations on a Theme", Progressive Railroading, December 2001.	
	CD	Kube, K., "Innovation in Inches", Progressive Railroading, February 2002.	
	CE	Vantuono, W., "New York Leads a Revolution", Railway Age, September 1996.	
	CE	Vantuono, W., "Do you know where your train is?", Railway Age, February 1996.	
	CG	Gallamore, R., "The Curtain Rises on the Next Generation", Railway Age, July 1998.	
	CH	Burke, J., "How R&D is Shaping the 21st Century Railroad", Railway Age, August 1998.	
	CI	Vantuono, W., "CBTC: A Maturing Technology", Third International Conference On Communications Based Train Control, Railway Age, June 1999.	
	CJ	Sullivan, T., "PTC - Is FRA Pushing Too Hard?", Railway Age, August 1999.	
	CK	Sullivan, T., "PTC: A Maturing Technology", Railway Age, April 2000.	
	CE	Moore, W., "How CBTC Can Increase Capacity", Railway Age, April, 2001.	
	CM	Vantuono, W., "CBTC: The Jury is Still Out", Railway Age, June 2001.	
	CN	Vantuono, W., "New-tech Train Control Takes Off", Railway Age, May 2002.	
	CQ	Union Switch & Signal Intermittent Cab Signal, Bulletin 53, 1998.	
	CP	GE Harris Product Sheet: "Advanced Systems for Optimizing Rail Performance" and "Advanced Products for Optimizing train Performance", undated.	
	CQ	GE Harris Product Sheet: "Advanced, Satellite-Based Warning System Enhances Operating Safety", undated	
	CR	Furman, E., et al., "Keeping Track of RF", GPS World, February 2001.	
	CS	Walker, Publication No. US 2001/0056544 A1, December 27, 2001.	
	CT	Gazit et al., Publication No. US 2002/0070879 A1, June 13, 2002.	
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				FILING DATE November 26, 2003		GROUP ART UNIT 3661	
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)							
	CU	Department of Transportation Federal Railroad Administration, Federal Register, Vol. 66, No. 155, pp. 42352-42396, August 10, 2001.					
	CV						
	CW						
	CX						
EXAMINER						DATE CONSIDERED	
<p>*EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.</p>							



FEE TRANSMITTAL FY 2005

Docket No.	3805-025-27 CIP
Serial No.	10/721,227
Filing Date	November 26, 2003
Inventor(s)	Mark Edward KANE, et al.
Group Art Unit	3661
Examiner	Cuong H. Nguyen

TOTAL AMOUNT OF PAYMENT \$180.00

1. ☒ Applicant claims small entity status.

☒ Charge any **UNDERPAYMENT** or credit any **OVERPAYMENT** in the indicated fees to Deposit Account No. 50-1442.

☐ Charge the indicated fees to Deposit Account No. 50-1442.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

<input type="checkbox"/> Charge the indicated fees to Deposit Account No. 50-1442.											Large Entity		Small Entity		Fee Description	
2. <input checked="" type="checkbox"/> Check enclosed.											Fee Code	Fee (\$)	Fee Code	Fee (\$)		Fee Paid
FEE CALCULATION											1051	130	2051	65	Surcharge-late filing fee or oath	
1. BASIC FILING FEE											1053	130	1053	130	Non-English Specification	
Large Entity		Small Entity		Fee Description							1251	120	2251	60	1-mo. ext. of time	
Code	Fee \$	Code	Fee \$				Fee Paid		1252	450	2252	225	2-mo. ext. of time			
1011	300	2011	150	Utility Filing Fee					1253	1020	2253	510	3-mo. ext. of time			
1012	200	2012	100	Design Filing Fee					1254	1590	2254	795	4-mo. ext. of time			
1013	200	2013	100	Plant Filing Fee					1255	2160	2255	1080	5-mo. ext. of time			
1014	300	2014	150	Reissue Filing Fee					1401	500	2401	250	Notice of Appeal			
1005	200	2005	100	Provisional Filing Fee					1402	500	2402	250	Appeal Brief			
1111	500	2111	250	Utility Search Fees					1403	1000	2403	500	Request for Oral			
1311	200	2311	100	Utility Examination Fees					1501	1400	2501	700	Utility/Reissue Issue			
SUBTOTAL								\$0.00	1504	300	1504	300	Publication Fee			
2. EXTRA CLAIM FEES											8001	3	8001	3	Advance Copy of Patent	
tot. claims			-	20*	=	0	x	\$25	=	0	1806	180	1806	180	IDS Submission	180.00
ind. claims			-	3*	=	0	x	\$100	=	0	8021	40	8021	40	Assignment Recordation	
<input type="checkbox"/>	Multiple Dependent Claims							\$180	=		1801	790	2801	395	For Filing RCE	
SUBTOTAL								0	1814	130	2814	65	Terminal Disclaimer			
3. APPLICATION SIZE FEES											Other:					
Total # of Sheets					# of Extra Sheets											
		-	100	=	0											
# of each additional 50 sheets or fraction thereof (round up)					Total Fee Due				SUBTOTAL				180			
		x	\$125	=	0											

Name	Steven B. Kelber	Registration No.	30,073
Signature	RE6. H7, 258	Date	March 2, 2005
Name	James M. Heintz	Registration No.	41,828
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